

REMARKS

Reconsideration of this application is requested.

The Abstract of the Disclosure and the Detailed Description has been amended following the suggestions of the Examiner.

The claims have been amended to correct various informalities pointed out by the Examiner. This includes claims 9, 13 and 14. Also, claims 1, 6 and 11 have been amended in view of the Examiners' comments and also to distinguish and more clearly define applicants' invention in terms differentiating from the prior art. This leaves claims 1-16 for consideration.

The claims have been rejected as unpatentable over a combination of Hsu in view Nunez under 35 USC 103 (a). Applicant disagrees that the combination of these reference is proper. Not only is there no teaching or suggestion in the prior art to combine these references but also it is not obvious to modify a reference in a manner that is inconsistent with its stated purpose. The Hsu patent refers to a disc padlock having a circular shackle. Nunez in concerned with sliding door or sliding window latches which often are subjected to shock levels when the latch hook comes into contact with a mating latch part during closure. Reference to this problem are made in the Nunez reference in the Abstract (last 7 lines), Description of the Prior Art (Column 1, Lines 18-20, & 29) and Summary of the Invention (beginning at Column 2, Line 47):

"the present invention uniquely transfers forces normally subjected to the latching hook from their initial direction to a direction approximately perpendicular to their first direction."

No such problem exists in the padlock of Hsu or of the applicant. Since the purpose of the bearings in the Nunez device is for absorbing shock loads, it is improper to suggest other purposes for the bearings as the Examiner has done in attempting to combine the bearings with the Hsu reference. The Examiner has stated the combination is obvious with "the motivation being to minimize friction between the sliding shackle and intentional groove of the padlock." The minimizing of friction with Nunez bearings is not needed in the Hsu padlock when the shackle is moved by the simple twist of a key.

Another significant difference between the use of bearings in the Nunez latch structure and applicants' padlock is the use of opposed elongated linear races by Nunez. In the claims as amended, the bearings are in a stationary position relative to the shackle and in rolling contact with a single annular groove in the housing.

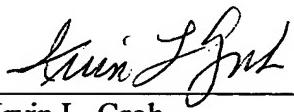
Claim 1 points out that the friction bearings are in a stationary location on the shackle. Independent claim 9 has been similarly amended. The language of the Specification in the paragraph beginning at Page 5, Line 3, has been amended to clarify that the embedded ball bearings are in stationary locations as referred to in the amended claims.

Claims 1 through 16 define an unobvious combination, which is an improvement in disc lock shackles.

The latch mechanism of Nunez, even if it could be combined with Hsu, does not make the invention obvious. Since the combination of references is improper and since none of the purposes of the Nunez construction is utilized by applicant, the claims as amended define non-obvious and patentable combinations.

This application is believed to be in condition for allowance with claims 1 through 16 and favorable action is requested.

Respectfully submitted,



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